

RICHARD D. MILLET & ASSOCIATES LLC  
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Attorneys for Defendant, Wal-Mart Stores, Inc.

MARION STUART and DONALD STUART,	:	UNITED STATES DISTRICT COURT
Per quod,	:	DISTRICT OF NEW JERSEY
	:	
	:	CIVIL ACTION NO. 2:05cv4982
Plaintiffs,	:	
	:	
vs.	:	CIVIL ACTION
	:	
WAL-MART STORES, INC., d/b/a WAL-MART	:	ANSWER, SEPARATE DEFENSES
JOHN DOES 1-10 (said names fictitious, real names:	:	DEMAND FOR WRITTEN
unknown), individually, and as agents, servants,	:	STATEMENT OF DAMAGES,
and/or employees of Wal-Mart Stores, Inc.,	:	NOTICE OF DESIGNATION OF
d/b/a Wal-Mart, ABC CORP. 1-10 (said names	:	TRIAL COUNSEL, JURY DEMAND
fictitious, real names unknown), and WILLIAM	:	AND CERTIFICATION
WOES 1-10 (said names fictitious, real names	:	
unknown), individually, and as agents, servants,	:	
and/or employees of ABC Corps. 1-10,	:	
	:	
Defendants.	:	

Defendant, Wal-Mart Stores, Inc., by way of Answer to the Complaint of the plaintiffs,  
states:

**FIRST COUNT**

1. Defendant admits the allegations contained in this paragraph.
2. Defendant denies the allegations contained in this paragraph.
3. Defendant denies the allegations contained in this paragraph.
4. Defendant lacks sufficient knowledge upon which to form a belief as to the allegations contained in this paragraph and, accordingly, denies same.
5. Defendant denies the allegations contained in this paragraph.
6. Defendant denies the allegations contained in this paragraph.
7. Defendant denies the allegations contained in this paragraph.

**SECOND COUNT**

1. Defendant repeats each and every answer to each and every allegation contained in the First Count of plaintiffs' Complaint as if same were set forth at length herein.
2. Defendant denies the allegations contained in this paragraph.
3. Defendant denies the allegations contained in this paragraph.

**THIRD COUNT**

1. Defendant repeats each and every answer to each and every allegation contained in the First and Second Counts of plaintiffs' Complaint as if same were set forth at length herein.
2. Defendant lacks sufficient knowledge upon which to form a belief as to the allegations contained in this paragraph, and leaves plaintiffs to their proofs.
3. Defendant denies the allegations contained in this paragraph.

**SEPARATE DEFENSES**

1. Defendant was guilty of no negligence whatsoever.
2. Defendant breached no legal duty proximately owed to plaintiffs and, therefore, is blameless.
3. The alleged incident and resultant injuries to plaintiffs, if any, was the direct and proximate result of the sole or contributory negligence of the plaintiffs herein and, therefore, relief should be either barred or diminished by virtue of operation of New Jersey Comparative Negligence Law.
4. The alleged accident and resultant injuries to plaintiffs, if any, was the direct and proximate result of the sole or contributory negligence of third persons over whom this defendant had no control.
5. The within Complaint of plaintiffs and the relief sought therein must be dismissed as against this defendant for the same fails to state a cause of action upon which relief may be granted.
6. This claim is barred or limited by reason of virtue of operation of the New Jersey Collateral Source Rule; N.J.S.A. 2:15-97 and or N.J.S.A. 39:6A-6.
7. Plaintiffs have failed to mitigate damages.
8. The within Complaint of plaintiffs is barred by the New Jersey Statute of Limitations for personal injury actions.
9. The within Complaint of plaintiffs is barred by the Doctrine of Laches.

**DEMAND FOR WRITTEN STATEMENT OF DAMAGES**

Please take notice that defendant demands within five days after service hereof, a Written Statement of Amount of Damages Claimed in the Complaint from plaintiffs.

**DESIGNATION OF TRIAL COUNSEL**

The Court is hereby advised that Richard D. Millet, Esq. is hereby designated as trial counsel.

**JURY DEMAND**

Defendant demands a trial by a jury as to all issues involved herein.

RICHARD D. MILLET & ASSOCIATES LLC  
Attorneys for Defendant,  
Wal-Mart Stores, Inc.

Dated: October 26, 2005

By: 

RICHARD D. MILLET

**CERTIFICATION OF SERVICE**

Richard D. Millet, Esquire, declares as follows:

1. I am an attorney-at-law of the State of New Jersey with the firm of Richard D. Millet & Associates LLC, Attorney for Defendant, Wal-Mart Stores, Inc. As such, I am familiar with the facts set forth herein.

2. I hereby declare that on this date I served a copy of the within Answer upon the plaintiff in this action by mailing the same via first-class mail, postage prepaid, to Kevin L. Parsons, Esquire, of the Firm of Gill & Chamas, LLC, 655 Florida Grove Road, P.O. Box 760, Woodbridge, New Jersey 07095.

3. Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 26, 2005

By: 

RICHARD D. MILLET